

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 08-160 SI

Plaintiff,

v.

**ORDER GRANTING DEFENDANT
FLEET'S MOTION TO UNSEAL CIVIL
COMPLAINT**

JOHN J. COTA and
FLEET MANAGEMENT, LTD.,

Defendants.


Defendant Fleet Management, Ltd. ("Fleet") has filed a motion to unseal the civil complaint it filed on November 7, 2008 in Case No. C 08-5096 BZ. The motion is scheduled for hearing on May 15, 2009. Pursuant to Civil Local Rule 7-1(b), the Court finds this matter appropriate for resolution without oral argument and hereby VACATES the hearing.

Defendant John Cota opposes Fleet's motion and seeks to postpone unsealing the complaint until after his sentencing hearing, which is scheduled for June 19, 2009. The complaint in Case No. C 08-5096 was sealed to avoid unfair prejudice to Cota through the release of his medical records prior to jury selection and trial. As Cota and the government entered a plea agreement on March 6, 2009, the risk of prejudicial pretrial publicity is no longer present. Under these circumstances, the continued sealing of the complaint in Case No. C 08-5096 is not warranted.

Accordingly, Fleet's motion to unseal is GRANTED. The Court orders the complaint in Case No. C 08-5096 unsealed. Fleet need not obtain executed copies of the protective order entered by this Court in November, 2008 before serving the complaint on defendants in the civil case.

IT IS SO ORDERED.

Dated: May 13, 2009


SUSAN ILLSTON
United States District Judge